REMARKS/ARGUMENTS

Claims 14- 23 are pending in this application.

Claims 14-19 and 21-23 stand rejected under 35 USC § 103(a) as being unpatentable over US20020038392 by De La Huerga in view of US 7,154,397 to Zerhusen et al (Zerhusen). Claim 20 stands rejected under 35 USC § 103(a) as being unpatentable over US20020038392 by De La Huerga in view of US 7,154,397 to Zerhusen et al., further in view of US 6,208,974 to Campbell. These rejections are respectfully traversed for the reasons that follow.

The main deficiency of the rejections above is that they read far too much into the primary reference De La Huerga US 20020038392 and not enough into the specific language of independent claim 14. Claim 14 requires that the system for administering medication to a patient comprises an infusion pump and that the infusion pump includes a pump housing. However, claim 14 also requires several additional important elements and this is where the claimed invention diverges from the teaching of De La Huerga.

First, "a processor that acts as a web server" is required by claim 14 to be "disposed in the pump housing." A web server is a computer or processor that runs programs to deliver or "serve" content, typically web pages, using the Hypertext Transfer Protocol (HTTP) over the World Wide Web. De La Huerga merely teaches in Figs. 17, 26 and 31 that the processor 104 of the controller 103 housed in a pump housing is in communication with a remote central controller 260 (with processor 620) and a remote server 630. "Processor 104 is linked to each of display 123, indicators 124 and 126, transponder 122 and keyboard 106. In addition, as illustrated in FIG. 17, processor 103 is also linked to a communication channel 255 such as an intranet or the Internet for communication with other facility or remote computing and storage devices." [0149] No mentions of a server by De La Huerga clearly suggest that the processor disposed in the pump itself acts as a web server. In fact, quite the opposite is true and De La Huerga actually teaches away from the present invention in numerous passages. See "server" in paragraphs [0151], [0154], [0155], [0222], [0243], [0255]-[0257], [0259], [0268] and [0269]. It is clear from Figs. 17, 26 and 31, the "server" references above, and the description about multiple IV pump in paragraphs [0186] et seq. that the pump does not have a processor that acts as a web server. There is also no mention of "web" or "web pages" in De La Huerga.

Second, claim 14 requires "a unitary dual function touch screen display located on the

pump housing and in communication with the processor, the dual function touch screen display comprising a first portion and a second portion, the first portion displaying pump information while the second portion concurrently displays web browser information." The Examiner misinterprets the meaning of the term "unitary dual function touch screen display" in claim 14 and fails to appreciate that the dual functions are recited in the remaining portion of the claim and related to the web browser function of the pump processor. That is, the unitary display is dual function in that it provides one portion that displays pump information and another portion that concurrently displays web browser information. Clearly, taken in context of the entire claim, the limitations about the portions of the display screen and their content are not "nonfunctional descriptive material" as alleged by the Examiner. The dual functions are not merely input and output typical with a touch screen as the Examiner suggests, but the functions of displaying on one pump screen concurrently both pump information and web browser information from the web server processor of the pump on different portions of the screen.

From the foregoing it can be seen that De La Huerga fails to show or suggest all of the elements of claim 14. Furthermore, although Zerhusen teaches a touch screen display that has an icon on a portion of it that allows a patient internet access, the internet access portion of the touch screen is not operated by communication with a processor of the pump that acts as a web server and displays pump information concurrently with the web browser information. Instead, much like the screen of controller 260 in De La Huerga, a remote server rather than the processor of the pump drives the web browsing portion of the display. Thus, Zerhusen fails to cure all of the shortcomings of De La Huerga and the combination does not show or suggest each and every element of claim 14.

Claims 15-23 depend from claim 14 and at least derive their patentability therefrom.

This amendment is proper under 37 CFR 1.116 because no amendments are made to the specification or the claims, and thus no new issues are raised that would require an additional search. The entry of this amendment is necessary and proper because the new grounds for rejection was first provided in the Final Office Action, and thus the arguments herein could not have been raised earlier. If nothing else, entry of the amendment will better define the issues for appeal. The Applicants respectfully request the entry of this amendment and reconsideration of the claims in view of the arguments presented.

No extensions or fees are believed to be due in connection with this paper. However, the Commissioner is authorized to consider this a request for any necessary extension and

charge our Deposit Account, 50-3118 for any additional fees (or credit any over payments) in association with this communication. A timely and favorable response on the merits of the application as amended is respectfully requested. If it would be helpful in advancing the case, the Examiner is invited to contact the undersigned by telephone.

Respectfully submitted,
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